

**SIXTH DISTRICT COURT OF APPEAL
STATE OF FLORIDA**

Case No. 6D23-406
Lower Tribunal No. 2020-CA-001424

JOHN RINGELSTEIN,

Appellant,

v.

NAPLES COURTYARD INN, LLC,

Appellee.

Appeal from the Circuit Court for Collier County.
Lauren L. Brodie, Judge.

June 14, 2023

PER CURIAM.

AFFIRMED.

NARDELLA and MIZE, JJ., concur.
COHEN, J., concurs specially, with opinion.

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING
AND DISPOSITION THEREOF IF TIMELY FILED

COHEN, concurring specially.

I concur in the disposition of this appeal.¹ The only issue raised related to improper comments made during defense counsel’s closing argument.² Many of these comments were subject to objections that were sustained. Counsel failed to preserve his objections for appeal with a corresponding request for a mistrial. Counsel did preserve two objections to impermissible “golden rule” arguments made to the jury.³ We do not, however, find that those arguments rose to the level of requiring a new trial.

That said, defense counsel’s closing argument in this case could form the basis of a primer on improper argument. There are two explanations for the repeated improprieties: (1) they were intentional; or (2) they were the result of inexperience or a lack of continuing legal education on closing arguments. By the writing of this opinion, time will tell which is correct. If the former, trial courts are now on notice and should respond accordingly.

¹ This case was transferred from the Second District Court of Appeal to this Court on January 1, 2023.

² Appellate counsel for Naples Courtyard was not trial counsel below.

³ “[A] golden rule argument suggests to jurors that they put themselves in the shoes of one of the parties, and is impermissible because it encourages the jurors to decide the case on the basis of personal interest and bias rather than on the evidence.” *Metro. Dade Cnty. v. Zapata*, 601 So. 2d 239, 241 (Fla. 3d DCA 1992).

Alexander R. Hunt and Gregory Thomson, of Goldman & Daszkal, P.A., Deerfield Beach, for Appellant.

Hinda Klein and Samuel B. Spinner, of Conroy Simberg, Hollywood, for Appellee.